

Remarks and Arguments

Applicant has carefully considered the Final Office Action dated February 24, 2006 and the references cited therein. Applicant respectfully requests reexamination and reconsideration of the application.

Claims 1-5, 7, 8, 11-13, 15-17, 19, 21-23, 26-29, 31-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over PGPub US 2003/0147216, Patel et al., hereafter Patel 1, already of record, in view of US Patent 6,170,561, O'Grady, also already of record.

Applicant respectfully traverses the rejection of claim 33. In the office action, the Examiner is alleging that O'Grady discloses that the phase change material is encapsulated in a surface positioned within the airflow path (citing O'Grady, column 2, lines 10-20 and column 5, lines 25-30). However, column 5 of the O'Grady reference has no lines 26-30. Applicants further note that the citation to O'Grady, column 2, lines 10-20 also appears to unrelated to the claim limitations and possibly in error. Accordingly, applicants respect to assert that the rejection of claim 33 is inoperative respectfully to request that the finality of the office action be withdrawal and a new office action issued in its place with a corrected rejection for claim 33 so that applicant is given an opportunity to fully respond.

Applicant further traverses the rejection of claims 8 and 32. In the office action, the Examiner is alleging that O'Grady discloses a container including fins, citing L-shaped pegs 30 in figure 6 thereof. However, the Examiner will note that L-shaped pegs 30 extending from container 28 are for engaging holes 31 on a mounting rail 32 of a conventional computer cabinet (O'Grady, column 2, lines 10-20). Such pegs 30 are not fins as disclosed in the present invention or as understood in the art, further, would have little effect in increasing the surface area of the container exposed to the airflow while inserted into engaging holes 31. Accordingly, applicant respectfully asserts hat claims 8 and 32, as filed, are patentable over the combined teachings of Patel 1 in view of O'Grady.

Not standing the foregoing, claim 1 has been amended and now specifically recites a system comprising "a plurality of phase change material layers disposed upon the interior surface, at least one of the layers exposed to the airflow within the enclosure

...a first of the phase change material layers having a phase change temperature different from a second of the phase change material layers” (claim 1, lines 8-13).

Neither Patel 1 nor O'Grady disclose, teach or suggest a plurality of phase change material layers having a phase change temperatures, is not recited in claim 1. Accordingly, claim 1 is believed to distinguish over Patel 1 and O'Grady, whether considered singularly, in combination, or in light of any other references of record for the reasons set forth above. Claims 2-14 include all of the limitations of claim 1 and are likewise believed patentable over the combined teachings of the Patel 1 and O'Grady references, for at least the same reasons as set forth above with regard to the rejection of claim 1, as well as for the merits of their own respective limitations.

Claim 15 has been amended to include limitations similar to those recited in claim 1 (claim 15, lines 6-9), and, along with its respective dependant claims are likewise believed allowable for at lease the same reasons as claim 1, as well as for the merits of the respective limitations.

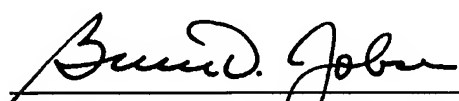
Claim 26 has been amended to recite that the phase change material at least partially comprises a hydrated salt and is believed to distinguish over Patel 1 and O'Grady, whether considered singularly, in combination, or in light of any other references of record for the reasons set forth above. Claims 27-36 include all the limitations of claim 26 and are likewise believed allowable for at lease the same reasons as claim 26, as well as for the merits of the respective limitations.

In light of the foregoing, Applicant respectfully asserts that all claims patentably distinguish over Patel 1 and O'Grady and Fitch, whether considered singularly, in combination, or in light of any other references of record for the reasons set forth above.

The amendments to the claims as set forth herein, including the addition or cancellation of any claims, have been offered to advance this application to issue. None of the amendments made herein should be construed as an admission that the subject matter of the claims, as originally filed, is anticipated by or made obvious in light of any art of record whether considered singularly or in combinations. Applicant expressly reserves the right to pursue the originally filed claims in another co-pending application without being prejudiced by any amendments, including cancellation of claims, made herein.

Applicant believes the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 02-3038.

Respectfully submitted,



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